

**MCELROY, DEUTSCH,
MULVANEY & CARPENTER, LLP**
1300 Mt. Kemble Avenue, Box 2075
Morristown, New Jersey 07962-2075
(973) 993-8100

GIBBONS, P.C.
One Gateway Center
Newark, New Jersey 07102
(973) 596-4500

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

THE LAUTENBERG FOUNDATION,
JOSHUA S. LAUTENBERG and ELLEN
LAUTENBERG,

Plaintiffs,

-against-

PETER MADOFF,

Defendants.

Civil Action No.: 09-00816 (SRC) (MCA)

Document electronically filed.

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

TO: William F. Maderer, Esq.
SAIBER LLC
18 Columbia Turnpike, Suite 200
Florham Park, NJ 07932-2266

Michael Grohs, Esq.
SAIBER LLC
One Gateway Center, 13th Floor
Newark, NJ 07102

PLEASE TAKE NOTICE that on, April 19, 2010, at 9:00 a.m., or as soon thereafter as counsel may be heard, Gibbons P.C. and McElroy, Deutsch, Mulvaney & Carpenter, LLP, attorneys for Plaintiffs The Lautenberg Foundation, Joshua S. Lautenberg and Ellen Lautenberg (“Plaintiffs”) shall move before the Court, in the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ

07101, for an Order granting Plaintiffs' motion for summary judgment against Defendant Peter Madoff ("Madoff") with respect to Count Three of Plaintiffs' Complaint.

PLEASE TAKE FURTHER NOTICE that a copy of the proposed Order is included with this Notice.

PLEASE TAKE FURTHER NOTICE that, in support of the Motion, the Plaintiffs shall rely on the accompanying Memorandum of Law, Statement of Material Facts, Declaration of Ronald Riccio, Esq., Declaration of Joshua S. Lautenberg, Declaration of Ellen Lautenberg, Declaration of Eleanor Rigolosi, Proposed Form of Order, and all other pleadings and memoranda on file in this matter.

PLEASE TAKE FURTHER NOTICE that no trial is presently scheduled in this matter.

PLEASE TAKE FURTHER NOTICE that Plaintiffs request oral argument in the event this Motion is contested.

Dated: March 12, 2010
Newark, New Jersey

By: s/ Michael R. Griffinger
Michael R. Griffinger, Esq.
Jonathan S. Liss, Esq.
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102-5310
P (973) 596 4500
F (973) 596 0545
mgriffinger@gibbonslaw.com

Ronald J. Riccio, Esq.
**MCELROY, DEUTSCH,
MULVANEY & CARPENTER, LLP**
1300 Mt. Kemble Avenue, Box 2075
Morristown, New Jersey 07962-2075
(973) 993-8100

Attorneys for Plaintiffs